

OFFICE OF THE
ATTORNEY GENERAL

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STATE OF ALABAMA

89-00181

FEB 17 1989

Honorable Cletus N. Youmans
Judge of Probate
The County of Houston
P. O. Box 6406
Dothan, AL 36302

Probate Judges - Courthouses -
Public Records - Counties

The probate judge should keep
his office open during the
entire time set for his office
to be opened.

Dear Judge Youmans:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Where the office hours of the probate
judge's office of Houston County are from
8:00 a.m. until 4:30 p.m., Monday through
Friday, can the probate judge close the
doors to the tag division of his office
fifteen or thirty minutes early when there
are lines of customers for purchasing tags
to make it possible for the office workers
to finish at 4:30 p.m.?

FACTS AND ANALYSIS

Code of Alabama 1975, Section 12-13-36 provides for the
office hours of a probate judge in this state. It reads:

"The probate judge shall keep his office at the courthouse, and, unless otherwise provided by a local law, the office of the probate judge shall be kept open for transaction of business on every day, except Sundays and legal holidays, from 9:00 A.M. until 4:00 P.M."

Although my research does not reveal any local law to provide for different office hours for the probate judge of Houston County, you and most other probate judges in the state have set office hours different from those provided in Section 12-13-36 to keep in line with the office hours of the other county offices in the courthouse.

You, as probate judge, are an elected official and are ultimately answerable to the electorate. Furthermore, your employees are public employees who are paid with public funds and who are employed to serve the public. As stated in the opinion of the Attorney General to Mr. W. C. Buttram, President of the DeKalb County Commission, dated March 12, 1983, public officers should keep their offices open a sufficient amount of time to adequately serve the public.

A person who does not renew his or her license tag by the last day of the month of expiration is subject to a penalty as set out in Code of Alabama 1975, Section 32-6-65. By closing the tag division of your office early when customers are waiting in line, you could very well force some customers to have to pay this penalty.

Instead of closing the tag division of your office fifteen or thirty minutes early when there are lines of customers, so that your employees can leave on time, the Attorney General suggests that you work out some method whereby those persons who are in line until the closing time of your office can be served. For example, the employees in your tag division can take turns working overtime or you can provide leave time for the time which the employee has worked overtime. In any event, as an elected public officer and as public employees, you and your employees are to serve the public.

CONCLUSION

The probate judge should keep his office open during the entire time set for his office to be opened.

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I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General

By:

A handwritten signature in cursive script, appearing to read "Lynda K. Oswald".

LYNDA K. OSWALD
Assistant Attorney General

DS/LKO/jho

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